

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

SEAN ZEIGLER,

Petitioner, : Case No. 1:18-cv-580

- vs -

District Judge Michael R. Barrett
Magistrate Judge Michael R. Merz

WARDEN,
Lebanon Correctional Institution

:
Respondent.

ORDER STRIKING OBJECTIONS

This habeas corpus case, brought *pro se* by Petitioner Sean Zeigler, is before the Court on Zeigler's Objections (ECF No. 35) to the Magistrate Judge's Report (ECF No. 33) recommending denial of Petitioner's Motion for Relief from Judgment (ECF No. 32).

Petitioner filed his Objections August 24, 2023, the date he deposited them in the prison mailing system PageID 1981. This date of deposit is corroborated by the postmark of the same date. See PageID 1982.

Petitioner asserts his Objections are timely because he was not served with the Report until August 4, 2023. PageID 1957. Presumably that is the date on which Petitioner actually received the Report. However, as he was notified, the date of service of the Report is the date it was sent, not the date it was received. See Notice Regarding Objections, PageID 1954 which reads in part: "under Fed.R.Civ.P. 6, . . . service is complete when the document is mailed, not when it is received." The docket reflects that the Report was mailed by the Clerk July 12, 2023, which would

make objections due July 29, 2023.

Petitioner also claims the Objections are timely because he filed a motion for extension of time July 28, 2023. PageID 1957. However, no such motion has been received and docketed by the Clerk, much less granted by the Court.

Accordingly, the Objections are STRICKEN as untimely.

August 31, 2023.

s/ Michael R. Merz
United States Magistrate Judge